

HIRING A CIVILIAN LAWYER

OFFICE OF THE STAFF JUDGE ADVOCATE

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I. WHY A CIVILIAN LAWYER?

1. Wyoming Army National Guard attorneys are limited in the advice they can provide in certain areas. For example, Army National Guard Judge Advocates cannot assist you with civilian criminal cases or most commercial matters unless there is some military connection. Often, it may be necessary for you to hire a civilian lawyer. If you are advised to hire a civilian lawyer there are several factors you should consider in selecting one to represent your interests.

2. You should select a lawyer the same way you choose other professionals. You should be able to trust and have confidence in the lawyer you select. Recommendations from friends and family, co-workers and others you know may help you choose. Advertisements can sometimes be helpful. There are several places to look for civilian lawyers:

- ◆ Wyoming State Bar Referral Service, telephone - 307 / 632-9061, in Cheyenne, can help you find a lawyer in a geographical area who specializes in certain types of cases. The referral service is free.
- ◆ Colorado State Bar Referral Service, telephone - 303/ 860-1115.
- ◆ Denver Metro Referral Service, telephone – (303) 831-8000
- ◆ Colorado El Paso County Bar Referral Service, telephone 719 / 473-9700
- ◆ Nebraska State Bar, telephone (402) 475-7091
- ◆ South Dakota State Bar, telephone (605) 224-7554
- ◆ Utah State Bar, telephone – (801) 531-9077
- ◆ Legal Services for Southeastern Wyoming, telephone 307 / 634-1566, in Cheyenne, provides legal services for persons with a limited income (call to see if you qualify).
- ◆ The Cheyenne telephone book lists lawyers alphabetically and by practice area.
- ◆ The Martindale-Hubbell Law Directory lists virtually every lawyer in the United States by state, complete with practice profiles and professional biographies (if the lawyer provided biographical info). It is available on-line at: www.martindale.com/

II. WHAT TO DO BEFORE MEETING WITH A CIVILIAN LAWYER

Once you have made a “short list” of potential civilian lawyers, you need to prepare for your initial consultation. Prepare a thorough summary of facts. This may require a substantial amount of time on your part, but less of the lawyer’s time. Many lawyers charge by the hour and if you are unprepared, the lawyer may have to do more of the groundwork before he or she can properly advise you. Remember, time is money. Also, it is very important for you to bring all relevant documents (contracts, bills, letters, etc.) to the initial consultation.

III. WHAT QUESTIONS SHOULD I ASK THE LAWYER?

1. During the initial consultation it is important that you ask the attorney questions you deem important to your decision making process. Some example questions are below:

- a. Do you handle cases like mine? How many similar cases have you done in the past year?
- b. If your case requires specialized legal knowledge of military issues, ask if the civilian lawyer is familiar with such issues.
- c. What are the chances for success? Do I have a good case?
- d. If I hire you and your firm, who will actually do the work? You, another attorney, a paralegal or a law clerk?

2. As part of the hiring process, you need to feel comfortable with your attorney. Is he or she personable and courteous? Can she or he explain things in a way you can understand? Does the attorney seem like a person you can trust to act on your behalf?

3. One of the potential problem areas in hiring a civilian lawyer can be the subject of the lawyer's fee. A fee arrangement should be worked-out before committing your case to a specific lawyer. Again, there are questions that you should ask to prevent future problems. These include:

- a. Do you charge for the initial consultation? If so, how much?
- b. How do you charge your clients? Flat fee? Hourly rate? Contingency fee (a percentage of any compensation or damages that you win in court)? Etc.
- c. If it is an hourly rate, how do you break-down your time? Do you charge for telephone calls and if so how? How do you account for time spent on small-talk, such as personal issues not related to the representation but naturally occur during some conversations?
- d. If a contingency fee, what is your percentage? Do your expenses come out of your percentage or out of the client's?
- e. What out-of-pocket expenses do you estimate in my case (filing fees, transcripts, expert witness fees, private investigation costs)?
- f. How long will my case take to complete?
- g. Do you require a retainer (up-front money)?
- h. Will I receive itemized bills on a periodic basis? If so, how often or after what specific events? Are there any procedures in place to spread-out the payments?

- i. May I have additional copies of all documents pertaining to my case? If so, will it cost additional money? If so, how much?
- j. If any of the work is performed by your staff (paralegal, clerks, etc.) will my bill be less?
- k. ***GET A FEE AGREEMENT AND ANY IMPORTANT TERMS IN WRITING***